

IN SENATE OF THE UNITED STATES.

JANUARY 30, 1824.

Read, and ordered to be printed.

Mr. TAYLOR, from the Committee on Military Affairs, to whom was referred a bill for the relief of James Johnson—

REPORTED :

That Col. Richard M. Johnson commanded, during the late war with Great Britain, a regiment of mounted infantry; that he appointed James Johnson paymaster to said regiment; that the service of this regiment was performed, during the summer and fall of 1813, on the frontier of the state of Ohio, including Fort Wayne, Fort Meigs, Lower Sandusky, Brownstown, and Detroit. That, during this service, which lasted six months, the regiment had to furnish themselves with rations, a portion of the time, at their own expense, on account of the impracticability of furnishing the rations on the part of the Government; that, in making out an estimate of the amount due the non-commissioned officers, musicians, and privates, the commandant of said regiment gave the order, that the rations furnished by the men should be estimated at twenty cents per ration, under a belief that the law authorized that sum; that the estimate was made out accordingly, and the rations estimated at twenty cents, when, in fact, the only act which had a direct bearing on this part of the payment to the non-commissioned officers, musicians, and privates, was passed in January, 1795, and which allowed only twenty-five cents for forage and rations, per day, for each individual, making an excess to each of seven and a half cents per ration, for rations which were, by the said non-commissioned officers, musicians, and privates, of said regiment, furnished by them during said service, making a total of four thousand three hundred and two dollars and seventy-five cents, the sum provided for by the bill. It also appears to your committee, from record evidence, furnished by the Third Auditor, that, within the same period, and within the same district of country in which said regiment operated and furnished themselves with rations, the government gave to Orr and Greely from twenty to

twenty-five cents, making an average of twenty-two and a half cents per ration, which the government would have given, provided the ration had been furnished by the contractors, or the agents of the Government. In examining the report of balances made to Congress at the last session, your committee find that the Third Auditor, after stating the nature of this balance, concludes by saying, that, under the peculiar circumstances of the case, in his opinion, legislative provision would not be unreasonable. Your committee have thought it consistent with their duty to make this summary statement of facts, and to annex the evidence upon it which is given, viz : paper marked A is an extract of a letter from Peter Hagner, explaining the nature of the balance provided for; the paper marked B contains an extract furnished by the Third Auditor, as to the contract price of rations given to Orr and Greely during the same periods, and within the same district of country, in which said regiment performed its military service; and paper marked C. being an extract of the remarks of the Third Auditor, in his report of the last session of Congress, as to this balance. Upon this statement of the case, your committee think it would be reasonable and expedient to give the relief asked for, more especially when they recollect that the government was not able to furnish the rations to the regiment, as in ordinary cases; that, if they had been furnished by Government, the cost would have amounted to more than twenty cents, the price allowed; that a previous estimate was made and presented to the disbursing officer of the Government, who made the advance accordingly, and the money being faithfully paid, according to such estimate, that it would be impracticable for said James Johnson to recover this small sum from a regiment which consisted of upwards of one thousand men, and the loss must fall upon the said James Johnson, who has faithfully disbursed the money according to the order of his commanding officer, and that the said regiment performed its duty with fidelity to their country. Upon this view of the case, the committee beg leave to report the bill without an amendment.

A.

Extract of a letter from Peter Hagner, Esq. Third Auditor.

TREASURY DEPARTMENT,

Third Auditor's Office, 1st January, 1824.

SIR : Agreeably to your request, I have the honor to state, that the amount deducted from James Johnson's account, as late Paymaster of your regiment of mounted Kentucky militia, in consequence of his having paid the non-commissioned officers, musicians, and privates, who furnished themselves with rations and forage, more than the law of the 2d of January, 1795, authorized, is \$4,302 75 cents.

The whole of the foregoing sum was deducted, in consequence of the law only allowing 25 cents per day for "*rations and forage*," and the payments appearing to have been made at the rate of 20 cents per day for the ration, and $12\frac{1}{2}$ cents for forage, making a total sum of $32\frac{1}{2}$ cents per day, and, consequently, an excess of $7\frac{1}{2}$ cents per day to each man, more than the law warranted.

